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Total Number of Pages in This Submission 6 Attorney Docket Number 032450R169

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Request For New (Replacement) Office Action (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Copy of claim set (claims 1-4)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3. Copy of first page from corresponding case 10/807,457 of specification of '457 application.
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Smith, Gambrell & Russell

Signature

Printed Name Dennis C. Rodgers

Date August 17, 2005

Reg. No. 32,935

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Attorney Docket No. 032405R169

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitsugi Chonan, et al.

Serial No.: 10/807,455 Art Unit: 3681

Filed : March 24, 2004 Examiner: David D. Le

For : POWER TRANSMISSION SYSTEM OF ENGINE

REQUEST FOR NEW (Replacement) OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria VA 22313 - 1450

Sir:

In a review of the Office Action of June 27, 2005 it has become apparent that the wrong set of claims was considered during the generation of the Office Action's double patenting rejection.

In the Office Action claims 1-8 of the present case were rejected under a double patenting rejection based on "claims 1-8" of copending application (US Ser. No. 10/807,457) having the same title, inventor and assignee. However, the '457 application only has claims 1-4 (attached is a copy of the claim set and the first page of the specification which were pulled off the PAIR system relative to US Ser. No. 10/807,457).

It appears that there was an error on the part of the USPTO as to which claim set was attributed to the '457 case as claims 1-8 (likely the claims the presented case) were treated on the merits in that case rather than the proper claims 1-4.

It is respectfully requested that in view of the error as to which claims are attributable to the '457 application and the improper generation of a double patenting rejection based on the wrong claim set consideration in this '455 application, a new, replacement Office Action setting forth a new response date be mailed out prior to the running response date for the present case.

A similar new replacement office action request is being filed under separate cover for the noted '457 case as Claims 1-8 (likely the ones for the presented '455 case) were treated on the merits in that case rather than the proper claims 1-4.

Respectfully submitted,

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